

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

KIARA SMITH
ADC #107225

PLAINTIFF

V.

3:07CV00050 JMM/JTR

LEROY MEADOWS, Sheriff,
Mississippi County, et al.

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Partial Disposition should be, and hereby are, approved and adopted in part:

IT IS THEREFORE ORDERED that:

1. The Clerk is directed to redocket Plaintiff's "Addendum" (docket entry #7) as "Plaintiff's Second Amended Complaint."
2. The Clerk is directed to redocket Plaintiff's "Second Amended Complaint" (docket entry #10 at pages 6-10) as "Plaintiff's Third Amended Complaint."
3. Pursuant to the screening function mandated by 28 U.S.C. § 1915A:
 - (a) Plaintiff's verbal harassment and grievance claims are DISMISSED, WITH PREJUDICE, for failing to state a claim upon which relief may be granted;
 - (b) Plaintiff's conspiracy claim is DISMISSED, WITHOUT PREJUDICE, for failing to state a claim upon which relief may be granted;
 - (c) Defendants Baker, Jackson, and Petty are DISMISSED, WITHOUT

PREJUDICE, because Plaintiff has failed to state any viable claims against them.

4. Plaintiff shall proceed with his five remaining constitutional claims against the remaining Defendants, as specified in the Recommended Partial Disposition. Plaintiff shall proceed with his state law tort of outrage claim against Defendants Austin, Carter, Meadows, Hicks, Betts, Whitfield, Whitehead, Scott and Reesie.

5. Plaintiff shall file, **within 120 days of the entry of this Order**, a Motion for Service containing the full name and service address for Defendant Maintenance Supervisor John Doe.

6. The Clerk is directed to prepare a summons for Defendants Meadows, Hicks, Betts, Carter, Austin, Whitfield, Whitehead, Scott, and Reesie, and the U.S. Marshal is directed to serve the summons, Complaint (docket entry #2), Amended Complaint (docket entry #6), Second Amended Complaint (docket entry #7), Third Amended Complaint (docketed as of the date of this Order) and this Order upon them without prepayment of fees and costs or security therefor.

7. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

Dated this 12th day of June, 2007.


UNITED STATES DISTRICT JUDGE